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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,611	10/17/2003	George C. Schedivy	8002A-80 CIP II	2434
22150 7590 01/11/2008 F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			EXAMINER LIANG, REGINA	
			ART UNIT 2629	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

44

Office Action Summary	Application No. 10/688,611	Applicant(s) SCHEDIVY, GEORGE C.	
	Examiner Regina Liang	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19,21-45 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19,21-45 and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/13/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to amendment filed on 11/13/07. Claims 1-19, 21-45, 47 are pending in the application.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-19, 21-45, 47 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-65 of U.S. Patent No. 6,899,365. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 37 of this applicant is broader version of claim 30 of U.S. Patent No. 6,899,365.

The following is an example for comparing claim 37 of this application and claim 30 of U.S. Patent No. 6,899,365.

Claim 37 of this application	Claim 30 of U.S. Patent No. 6,899,365
A video system comprising:	An entertainment system comprising:
a display mounted in a vehicle seat headrest; and	a display operatively coupled to the media source , wherein the display is one of handheld, mounted to the housing and mounted at a location in the vehicle away from the housing.
a media player mounted in the vehicle seat headrest , wherein the media player is connected to the display and to a data bus transmitting data from the media player or receiving data for the media player to or from at least one location outside the vehicle seat headrest.	a media source ; a housing for supporting the media source, wherein the housing is coupled to an inner portion of a seat of a vehicle , and the media source is capable of being selectively connected to and disconnected from the housing; and a door pivotally attached to the housing with a hinge.

As can be seen above, claim 37 of this applicant is broader version of claim 30 of U.S. Patent No. 6,899,365.

3. Claims 1-19, 21-45, 47 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 7,245,274. Although

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the conflicting claims are not identical, they are not patentably distinct from each other because they are obvious over each other.

The following is an example for comparing claim 19 of this application and claim 16 of U.S. Patent No. 7,247,274.

Claim 19 of this application	Claim 16 of US. No. 7,245,274
A video system comprising:	A video system comprising:
a base portion mounted in a vehicle seat headrest; and	a base unit coupled to a headrest support structure located within a headrest of a vehicle seat,
a door pivotally attached to the base portion, wherein the door includes a display mounted to the door, and wherein the base portion includes a media player mounted in the base portion such that the media player is behind the door when the door is in a closed position, the base portion including a first opening in line with a slot in the media player and the headrest including a second opening in line with the first opening for receiving a data media to be inserted into the slot.	Wherein the base unit comprises a media player comprising at least one of a DVD player, an MPEG player or a video game player; and a display mounted in a door pivotally connected to the base unit by a hinge and in a closed position concealing the media player.

As can be seen above, claim 16 of U.S. patent differs from claim 19 of this application in that the base portion not including a first opening in line with a slot in the media player and the headrest including a second opening in line with the first opening for receiving a data media to be inserted into the slot. However, claim 16 of U.S. patent is in comprising format and therefore covers structure not specifically recited. The U.S. Patent disclosure clearly describes the base portion of the video system including a first opening in line with a slot in the media player and the headrest including a second opening in line with the first opening for receiving a data media to be inserted into the slot and are encompassed by the copending application claims comprising format.

In view of the above analysis, applicant's claim 19 and U.S. patent's claim 16 are not patentably distinct from one another and in the absence of a terminal disclaimer would result in an unjustifiable time wise extension of applicant patent.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 37, 39-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tseng in view of Allan et al (US 6,339,455 hereinafter Allan).

As to claim 37, Tseng discloses a video system comprising a display mounted in a vehicle seat headrest; and a media player mounted in the vehicle seat headrest, wherein the media player is connected to the display (see Figs. 1, 2, and [0007]). Tseng does not explicitly

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disclose the media player is connected to a data bus. However, it is well known in the art that a video system having a media player is connected to a display and to a data bus for transmitting data from the media player or receiving data for the media player to or from at least one location outside the vehicle seat headrest (see Fig. 5 of Allan, the data bus 19 is provided between audiovisual receiver 10, control unit 17, display 3, transmitter 20, and the DVD player 15; data bus located between receiver 10 and control unit 17 for receiving signal from outside to controller 17 and display 3; data bus located between the control unit 17 and FM transmitter 20 and between FM transmitter 20 and speaker 14 for transmitting signal from media player to the vehicle speaker). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the media player of Tseng to be connected to a data bus as taught by Allan in order to provide audio/visual image data from the media player to the display screen for viewing by the user.

As to claim 39, Tseng teaches the base portion includes the media player and mounted in the vehicle seat headrest, the door pivotally attached to the base and includes the display mounted to the door.

As to claim 40, Tseng teaches the base portion including the media player and the base portion is mounted in the vehicle seat headrest, Allan teaches the media player mounted in the base portion and the base portion including an opening in line with a slot in the media player for receiving the data media to be inserted in the slot. Tseng as modified by Allan does not disclose the headrest having an opening in line with the slot. However, in order to provide a compact video system in the headrest and allow user to insert or remove the media easily, it would have been further obvious to one having ordinary skill in the art at the time the invention was made to

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modify the headrest of Tseng as modified by Allan to have an opening in line with the slot as claimed to facilitate easy access and removal of the disk.

As to claim 41, Tseng teaches the media player is a clamshell-type device.

As to claim 42, Allan teaches the audio/visual signals is received from remote or in-vehicle broadcasting sources and from the DVD player and transmitted to a speaker and to the screen as controlled by a control unit. Tseng as modified by Allan does not explicitly teach using a wireless transmitter. However, it would have been obvious to modify Tseng as modified by Allan to use a wireless transmitter for transmitting the signals to the speaker and to the display as claimed so as to provide a compact video system.

As to claim 43, see [0007] of Tseng.

As to claims 44, 45, see Fig. 1 of Tseng.

6. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tseng and Allan, and further in view of Mathias.

Tseng does not disclose the door includes a media player. However, Figs. 4 and 5 of Mathias teaches an integrated visual display/digital media player in the form of an LCD/DVD video display system (30) mounted inside a vehicle, comprising a base portion (34), a door (screen console 38) pivotally attached to the base portion, wherein the door (screen console 38) includes a display (40) and a media player (disc player 32) mounted to the door. Mathias suggests “this view display system 30 could also be mounted to other interior components located within the automobile, including, but not limited to, **seat backs**, center consoles, etc.” (page 11, lines 14-17). Thus, in view of Mathias’s suggestion, it would have been obvious to

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one having ordinary skill in the art at the time the invention was made to modify the door of Tseng to have a media player as taught by Mathias so as to provide for easy mounting within a motor vehicle and to provide a compact and less complicated mounting structure.

7. Claims 1-11, 13-15, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (US 6,871,356) in view of Mathias and Haberkern (US 5,214,514).

As to claim 1, Figs. 7, 10, 11 of Chang discloses a video system comprising a base portion (housing 418) mounted in a vehicle seat headrest, and a door (screen structure 416) pivotally attached to the base portion, therein the door (screen structure 416) includes a display (446) mounted to the door.

Chang does not disclose the door includes a media player. However, Figs. 4 and 5 of Mathias teaches an integrated visual display/digital media player in the form of an LCD/DVD video display system (30) mounted inside a vehicle, comprising a base portion (34), a door (screen console 38) pivotally attached to the base portion, wherein the door (screen console 38) includes a display (40) and a media player (disc player 32) mounted to the door. Mathias suggests “this view display system 30 could also be mounted to other interior components located within the automobile, including, but not limited to, **seat backs**, center consoles, etc.” (page 11, lines 14-17). Thus, in view of Mathias’s suggestion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the door (screen structure 416) of Chang to have a media player as taught by Mathias so as to provide for easy mounting within a motor vehicle and to provide a compact and less complicated mounting structure.

Chang as modified by Mathias does not disclose a loading point for a data storage media player is located on the side of the door opposite the display. However, Figs. 1 and 2 of Haberkern teaches a compact video/audio device (media player) with foldable screen (door), a loading point of the media player (13) is located on an opposite side of the display (5). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the video system of Chang as modified by Mathias to have a loading point for a data storage media player is located on the side of the door opposite the display as taught by Haberkern since this provides that the media player is easily accessible, and it can simply be inserted into the door and be removed therefrom (col. 1, lines 57-60 of Haberkern). Therefore, Fig. 10 of Chang as modified by Mathias and Haberkern would have the media player mounted on the side of the door (screen structure) opposite the display and facing the base portion (420).

As to claim 2, Mathias teaches the media player is a slot-type device (81 in Fig. 5).

As to claim 3, Chang teaches the base portion (screen structure 416) is coupled to the internal headrest support structure (see Fig. 7A).

As to claims 4-8, see Fig. 3 and col. 5, line 55 to col. 6, line 25 of Chang for example.

As to claim 9, Fig. 3 of Chang teaches comprising a port for connecting to an external device.

As to claim 10, Fig. 7 of Chang teaches the display is mounted on a front side of the door; Fig. 4, 5 of Mathias teaches the media player is mounted on a back side of the door.

As to claim 11, Fig. 10 of Chang teaches the door pivots in a range of angles including approximately 0° to 180° with respect to the base portion.

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As to claims 13, 14, Chang teaches the door is pivotally attached to the base portion with a hinge (436, 440 in Fig. 8A), and the hinge is positioned at a top portion of the door.

As to claim 15, Chang as modified by Mathias teaches the display and the media player are capable of operating when the door is in a closed position, and a data storage medium (disc) is inserted into the media player when the door is in an open position.

As to claim 18, Mathias teaches the media player includes a DVD player.

8. Claims 37-45, 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Mathias and Allan.

As to claims 37, 38, note the discussion of Chang and Mathias regarding claim 1 above. Mathias teaches the door includes the display and the media player mounted to the door. Chang as modified by Mathias does not disclose the media player is connected to a data bus. However, it is well known in the art that a video system having a media player is connected to a display and to a data bus (see Fig. 5 of Allan, the data bus 19 is provided between the control unit 17 to the display 3 and to the DVD player 15, data bus located between the control unit 17 and FM transmitter 20 and between FM transmitter 20 and speaker 14 for transmitting signal from media player to the vehicle speaker). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the media player of Chang as modified by Mathias to be connected to a data bus as taught by Allan in order to provide audio/visual image data from the media player to the display screen for viewing by the user.

As to claim 39, note the discussion of claim 1 above. Fig. 1 of Mathias teaches the media player (32) is mounted in the base portion.

As to claim 40, Figs. 1 and 3 of Mathias teaches the media player having a slot in the media player for receiving a data media to be inserted in the slot. Chang as modified by Mathias does not disclose the headrest having an opening in line with the slot. However, in order to provide a compact video system in the headrest and allow user to insert or remove the media easily, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the headrest of Chang as modified by Mathias to have an opening in line with the slot as claimed to facilitate easy access and removal of the disk.

As to claim 41, Mathias teaches the media player is a slot-type device (81 in Fig. 5).

As to claim 42, Fig. 4 of Chang teaches a wireless transmitter capable of transmitting at least one of video and audio signal to wireless headphones.

As to claim 43, Mathias teaches the media player includes a DVD player.

As to claim 44, Chang teaches the base portion mounted in the headrest; Mathias teaches the base portion includes a media player, and Fig. 3 of Mathias teaches the base portion have a cavity for selectively housing the media player. Thus, Chang as modified by Mathias teaches the video system as claimed.

As to claim 45, Chang teaches the display is pivotally attached to the base portion.

As to claim 47, Fig. 6 of Chang teaches data bus is connected to two displays in two headrests for transmitting the data from the video source (media player) to the second display.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, Mathias and Haberkern as applied to claim 1 above, and further in view of Baret.

As to claim 12, Chang as modified by Mathias and Haberkern does not disclose a cover for covering the display. However, Fig. 1 of Baret teaches a video display system in a vehicle comprising a cover (51) for covering the display (4). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the video system of Chang as modified by Mathias and Haberkern to have a cover for covering the display as taught by Baret so as to protect the display screen when the display is not used.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, Mathias and Haberkern as applied to claim 1 above, and further in view of Vottero-Fin.

Chang as modified by Mathias and Haberkern does not disclose the vehicle seat headrest includes at least one vent. However, Vottero-Fin teaches a vehicle seat armrest having a display device (TV set 21) and at least one vent (grill 26) for cooling the display device (col. 2, line 14-15). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify to modify the headrest of Chang as modified by Mathias and Haberkern to include at least one vent for dissipating heat generated by the video system.

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang and Mathias and Haberkern as applied to claim 1 above, and further in view of May.

Chang as modified by Mathias and Haberkern does not disclose the vehicle seat headrest includes a fan. However, May teaches an armrest of a chair having a fan for dissipating heat generated by an electronic device (PC) located within the chair. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify to

modify Chang as modified by Mathias and Haberkern to include a fan in the headrest for dissipating heat generated by the video system.

Response to Arguments

2. Applicant's arguments filed 11/13/07 have been fully considered but they are not persuasive.

Applicant's remarks regarding claims 37 on pages 16-17, 24-25 are not persuasive. Although Allan does not explicitly use the term "data bus" to describe the "point-to-point" connections (element 19) between all elements like DVD player, control unit, display, audiovisual receiver, FM transmitter, the speaker as shown in Fig. 4, however it would be understood by one skilled in the relevant art that the "point-to-point" connections inherent include data bus for transmitting and receiving audiovisual signal between audiovisual receiver, transmitter, DVD player, control unit, display and speaker. If Allan's system as shown in Fig. 4 does not have data bus for transmitting and receiving audiovisual signal, what else can Allan use to transmitting the audiovisual signal? In addition, Tseng teaches the media player is mounted in the vehicle seat headrest. Allan is used to teach using data bus for receiving data (10, 18) from outside for the media player, and for transmitting data from the media player to outside (speaker 14). Thus, Tseng as modified by Allan teaches the limitation as claimed in claim 37.

Applicant's remarks regarding claims 1 and 37 on pages 18-20, 23-24 are not persuasive. Applicant's remarks that "Chang teaches away from the proposed modification" are not persuasive. Although Chang states the prior art monitors are big and chunky so his "headrest-mounted monitor desirably occupies minimal space", this is in no way explicitly stating that

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other compact media players can not be used. Furthermore, in the today's state of technology and microelectronics, media players and its monitors are commonly very flat and compact, and it would not have any problems fitting within the minimal spaces of a headrest. Furthermore, Chang does not explicitly state that the headrest can not accommodate any additional components. Therefore, Chang does not teach away from the proposed modification as alleged by applicant.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

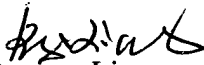
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Regina Liang
Primary Examiner
Art Unit 2674

1/8/08